

# COBBETT'S WEEKLY POLITICAL REGISTER.

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"Leaves the dull city, and joins, to please the fair,  
"The well-bred cuckolds of St. James's air."—POPE.

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## SUMMARY OF POLITICS.

CRIM. CON. — It is not of the sin and shame of the acts of adultery, which are now daily coming before the world through the courts of justice, that I mean to speak upon this occasion. They are the natural consequence of the manners of the times, and those manners as naturally proceed from the size and luxury of the metropolis which draws together, through the means of taxation, all the wealth and all the vices of the country. It is not, therefore, from any feeling of compassion towards the cuckolds that I am led to offer a few observations upon the subject; for, nine hundred and ninety nine times out of every thousand, the man who is known for a cuckold ought to be one. The law gives him so much power over the poor feeble framed creature whom he has married; he is so completely the master of her and of all she has; he has, if he be worthy of a wife, so decided an influence over her mind, that his cuckoldom appears to me to be almost impossible, unless from his own fault. It is a man's own business to take care of his wife. Judges and juries are not, and never were, intended, to be the guardians of any woman's chastity; and, it is the modern fashion of making them *moral censors*, which I am desirous of pointing out for public disapprobation. — A cuckold comes into court and asks for damages. There are, then, two dry questions of fact before the jury: 1st. whether the act of adultery have been committed; and, 2d, what is the amount of the *real damage*, which the complainant has sustained from that act. As to the first, circumstantial evidence may certainly be sufficient; but, then, it ought to be as good as is required in cases of treason, or murder. No loose tales about dishevelled hair and rumpled clothes and the like, ought to satisfy any juror. Appearances are so often deceitful, that the very strongest should be viewed with distrust. Appearances may satisfy me, that the parties were willing and intended to commit the act; but, unless I am fully satisfied that the act has been committed, I am guilty of false swearing if I give my assent to a verdict of guilty. According to the new doctrine, however, this

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fact of actual commission of the act would seem to be of little consequence; for, the great burden of the pleading against the defendant, is, that he has "seduced the affections" of the plaintiff's wife, which may be no crime at all, either legal or moral, no man being able to prevent a woman from liking him better than she likes her husband. Only tell a man that he is not bound by his oath; tell him that he is to decide upon *opinion* and not upon *evidence*; and you have no longer any hold upon him; all is left to fashion and to chance; or, rather, the plaintiffs in such cases, have for their jurors, a set of men who, from a reason founded in human nature, are decidedly in their favour. It was the old practice, to stick to *fact*; and, it was necessary to bring good substantial proof of the act being committed, before there was the smallest chance of obtaining a verdict of guilty. Without insisting upon this, what woman's reputation or fortune can be safe? Suppose a scoundrel wishes to get rid of his wife. He may, with the assistance of a brother scoundrel, easily obtain very specious circumstantial proof, that his wife has been guilty of adultery. Nothing is easier either to conceive or to execute. The parties accused of the crime are incapable of being examined in evidence; the woman is no party in the cause; and, in the case supposed, she may be branded as an adulteress and sent to starve, being all the while conscious of perfect innocence. — Then, as to the amount of the *damages*. The word damages seems, of late years, and especially as applicable to this sort of charge, to have quite lost its original legal meaning. The compensation for damage is *pecuniary*, and, therefore, the pecuniary damage should be made appear; for, is it not a most shameful abuse of words to talk of *paying* a man for his *mental* sufferings? And, I should be glad to be informed, by any of the experienced cuckolds of the day, what great difference there is between *receiving payment* for the chastity of a wife, and *selling* that chastity. When the poisonous transatlantic quack brought an action of damages against me for taking away his reputation, though the perjured jury did not require proof of

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the *falsehood* of what I had published, they did ask for proof of the *damage* sustained by the plaintiff; or, at least, such proof was given by producing witnesses to shew that his patients had left him. This was a very good thing; it was doing right to withdraw his patients from him; and Dr. Rowley, who wrote upon the subject of the quack's practice, says, I merited a statue of gold for my achievement. But, the damage to the quack, the *pecuniary* damage, was *shown*; as, in such cases, it certainly ought to be. Now, what damage is sustained by the cuckold? It is *possible* that there may be some damage sustained, in certain peculiar cases; but, it is the fashion now-a-days, not even to ask for any proof, or to produce any *evidence* to show, that damage has been sustained, though damages, in case of guilt, always make part of the verdict. If a man, being blind and being assisted by his wife in managing his business, were to lose her through the means of a seducer, it would be easy for him to make his damages appear. But, what damages can be made out by the far greater part of those who apply to the law? They have been robbed of their wives' *society* and *conversation*. These they may still enjoy, if they please; for, I'll warrant a wife of this sort *talks* none the worse for her adventure. Aye, but then comes that indefinite thing called *comfort*, which, if one can, in any case, affix any meaning to it, means, in this case, *the pleasure of being deceived*. Still we come back again to the point whence we started: the award is for *compensation*; for something to *make up* for what has been lost; and, the cuckold having lost the "comfort" he derived from his wife's society, receives from a court of law the "comfort" which is to be derived from a sum of money.—But, the fact is, that the award has, in general, according to the present practice, nothing at all to do with real damages. It is a sort of *fine* inflicted; and, in some cases, a late judge openly directed the awarding of *exemplary* damages; that is to say, the punishing of a man by way of fine, under the form of making compensation to another man for a pretended loss that he has sustained; and the language of the fraternity of "*learned friends*" has been, that the jury are the "*guardians of the public morals*." If a man were indicted for the crime of adultery, then, indeed, the jury would be invested with a character somewhat of this sort; but, no man is, and no man can be, indicted for the crime of adultery. It is a crime of which the courts of law cannot take cognizance; but, the truth is, that we

are a people completely lawyer-ridden; every thing is drawn to their shop; the press and the pulpit, which were formerly looked to as sufficient for the checking of numerous vices, are now, it seems, hardly worth notice; and, the former of the two has, by the lawyers, been so shackled, that it is, indeed, not to be trusted to for any useful purpose. Though you know a man to be a rogue, you are not to call him so, you are not to caution your neighbours against him; because, say the lawyers, "you should bring such a man to justice." That is to say, "you should bring him to our shop." But, to bring a rogue to their shop is an expensive affair; and, if the rogue be rich, it is odds but the real punishment fall upon yourself. Into the places where justice is administered, scarcely any but lawyers are permitted to enter. The great Halls of Winchester and Westminster, for instance, which were evidently constructed for the purpose of receiving a large number of persons, that, according to the maxim of our constitution, justice might be administered *in public*, are now parcelled off. The places where the trials are held are boxed up with mean-looking boards to the very summit of the roof; little passages, or rather holes, are left for people to creep in and out at; a man stands at each entrance to select the persons who wish to enter; and the inside is filled with lawyers, or retainers of the law. From *the public* the hearing of the trials is as completely kept as if the trials were held in a room locked up. Over the several passage doors, at Winchester, are written, in order to prevent confusion: "*Court*;" over another, "*Counsellors*;" over another, "*Attorneys*;" over another, "*Witnesses*;" over another, "*Jury*." But, no where do you find a door for *the public* to enter. Is this *administering justice in public*? Can this be called an *open court*? Even the information, which, at last, the public get in print, respecting trials, they are compelled to purchase from lawyers; for it is generally some briefless "*learned friend*" that supplies the news-papers with the reports of trials. It is the accursed funding and taxing system, which has given rise to such immense volumes of acts of parliament, that has caused so fearful a predominance of this wily and yet daring profession, and that has brought so many persons to pine away their lives in hunger, under a bob-tailed wig and a black gown. Parents, tempted by the brilliant success of comparatively a few, and by the riches which many more acquire, through the means of the law, send up their sons in swarms to be "*bred to the*"



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"bar;" but, could they see the hungry thread-bare troops that cling about Westminster Hall and the Houses of Parliament, like half-perished flies, in the month of October, about the windows of a seller of sweets, those parents would rather send their children to be bred to the making of shoes. Poor souls! I know of no sight more painful than to see forty or fifty dozen of them squeezed into a half-circle, with visages clearly indicating want of necessary food, each anxiously looking forward to catch the eye of more fortunate brethren, and having his lungs upon the cock, ready to let off in a laugh the moment a pretence is offered, however miserable that pretence may be. Poor souls! to see them bustling along, in the morning, breakfastless to court, as if anxious thousands waited their arrival, and the fate of whole families and classes depended upon their tongues; when, at the same time, both their backs and bellies can witness, that a gypsy fortune-teller surpasses them in the receiving of fees! — This multitude of lawyers is a monstrous evil. Than a man really learned in the law no one can in point of rank be more respectable. The profession of the law is not only necessary, but honourable, and ought to be held in honour. It is when this profession draws every thing to itself; when it swallows up every thing; when it confounds and destroys that which is necessary to public happiness, that it becomes hateful; and to that point it is very fast arriving in England. It is for the *Spiritual* court, or, which is still better, an unshackled expression of private and public opinion, to check and to punish the crime of *adultery*, which, in returning to my subject, I repeat it, is not cognizable in a court of law. Sir JAMES MANSFIELD, who, before he was made a judge, had long been considered the most learned lawyer in England, has lately told the jury, that they are *not* to look upon themselves as being in the capacity of *moral censors*. This is, I hope, the beginning of a change in the practice, which has, for some time, prevailed; for if "*exemplary*" damages are given in cases of *crim. con.* why should not exemplary damages be given in cases of *trespass, assault, &c. &c.* and, then, what man would be safe? Damage is a specific thing; a thing to be ascertained; and though not to a nicety, in all cases, yet so nearly as to leave but little room for the doing of injustice to either party. The amount of damage done, can, in no case, depend on the rank or means of the party doing it. If a man be knocked down by a hobblack, the damage is full as great, as

if he had been knocked down by any of the ants' hill of knights about London; and, I should be glad to know, from some thorough-paced cuckold, whether his footman is not as able at the work of depriving him of "comfort," as any of the young lords, whom his wife retains or withdraws from the stews. If the footman deprives Sir Baalam of his comfort, why should not the footman have as heavy damages to pay, as if he had been a lord? *Why* should he not? I should like to have an answer to this question. If a footman maliciously kill your horse, worth a thousand pounds, is not an award of a thousand pounds made against him? If, in like manner, a lord kill your horse, is not the award the same? *Damage* is a word always bearing the same meaning; and, upon what principle of our law is it, then, that the award in cases of *crim. con.* is made according to the rank, or pecuniary means, of the defendant? Were I upon a jury, in a case of *crim. con.* I would eat my boots, soles and all, before I would award to a cuckold one single penny more than I believed him to have *lost* by the act of the defendant. — By a contrary practice what a field is opened for the vilest of all robbery! For my part, I can see nothing easier, if a rogue and a handsome and cunning woman are agreed, than to make a very pretty fortune by a *crim. con.* speculation, and that, too with such evidence as is now received, without the help of the sin of adultery. The jilt has nothing to do but entice a rich man into her trammels; and, without communicating the plot to any one, the husband will soon obtain evidence sufficient for the purpose of obtaining damages to the amount of thousands of pounds. The pair may then live together upon the fruit of their plunder; or, if they like it better, they may separate, and each take a share. The law of this land, which had foreseen every thing else, had foreseen this also; therefore, in speaking of damages, it means *real* damage, damage that can be *proved* to have been sustained; and not *imaginary* damage, damage that exists in the fancy; damage purely mental, and which, therefore, it is impossible to ascertain; because, though the fact be proved, one plaintiff will be deeply afflicted at what will be with another a subject of joy. A law, or a practice, therefore, which tolerates these awards of damages for the loss of "comfort," must necessarily be the most uncertain and capricious of all things. The doctrines we have heard, upon this subject, and the verdicts we have witnessed, cannot fail to have a tendency to render



wavering the conduct of jurors in general ; to wear away those notions relative to *evidence* and *law*, which ought ever to remain indelibly imprinted on the mind of the juror ; to put men of small capacity and little knowledge up with the idea, that they are judges in *equity* ; to make a jury a mere instrument, the sport, the play-thing, of hired advocates ; to expose property, character, and life, to the effect of circumstances not at all under the controul of the possessor ; and, to convert the whole society into dependents, into very slaves, of the professors of the law.

**LIBEL LAWS.** — Before I proceed to make some further remarks upon this subject, in continuation of what was said last week, I think it proper to quote, from the *Courier* news-paper, an article relating to the way in which libellers are *handled* in Ireland. It is as follows : “ In the Dublin paper, which we received a day or two ago, we found an article to which we think it necessary to direct the attention of the public, premising that we know nothing of ourselves of the circumstances there stated. We take the account as it has been published in the Dublin papers ; — “ The editor of a paper printed in Kerry, called the *Kerry Dispatch*, asserts that “ while inoffensively walking the street, he was called off by a common serjeant, and, after being assailed with most opprobrious language, and the most criminal imputations, was made a prisoner, and paraded under a military escort through a crowd of at least one thousand people ! He was proclaimed through that crowd as a public disturber of the peace, as a fomentor of Whiteboyism, and a leader of Whiteboys ! “ This conduct towards him the editor attributes to a paragraph in his paper of the 5th inst. under the head of Anniversary Display of Orange Colours.” — The paragraph to which it alludes, we never saw, nor do we recollect ever to have seen the paper in which he was published. But it is not necessary either to have seen the paper or the paragraph to be able to pronounce a most decisive opinion with respect to the transaction in question. It requires the most serious investigation. What ! when Kerry is not a proclaimed district, and martial law consequently does not operate in it, is the subject to be seized and made prisoner by a military escort ? Supposing even the Kerry editor to have been guilty of the greatest offence in his paper, still there were civil laws by which he might have been punished, and civil officers by whom he might have been

taken up, and carried before a magistrate. But here, (supposing the account published to be correct) we never once see the civil laws, or the magistrate or the civil officers — we see nothing but the military. If an editor of a paper, or the author or publisher of any work, may be laid hold of by the military, the freedom of the press would be merely nominal — *stat nominis umbra* — the parent and the child of liberty would be destroyed, and that great weapon, which has assisted so materially in establishing the freedom of Great Britain, and which is assisting so powerfully in the rescue of Spain and Portugal, would be no longer formidable. Let us take care to prevent any encroachment upon the liberty of the press. The first step against it that is taken with impunity is the first step towards slavery.” — So, this gentleman of the *Courier* is for more law ! The poor printer was seized hold of, abused, and paraded through the streets. The *Courier* would have preferred an indictment, or information, it seems. Every one to his taste ! “ Let us take care to prevent any encroachment upon the liberty of the press.” These are bold, or rather, big, words ; but, how will you take care of it ? and what have you ever done to assert that liberty ? I never remember any thing, in this way, done by you ; but, I well remember your taking infinite pains to furnish a before-hand justification for an infernal act of oppression which you strongly recommended to the attorney-general ; namely, the prosecution of the author who wrote an essay, published in the *Morning Herald*, upon the *Potsdam oath* of famous memory. This I remember, and I do assure you, that I think your conduct towards that author was much worse than that of the soldiers towards our Irish brother of the press. — A correspondent, whose letter will be found below, has given me an explanation of the principles, upon which the charges, in case of libel, proceed. I was quite aware, that, in a civil action, the truth of the assertions published might be proved, and that a justification might be set up on that ground. I thank him for his information respecting Sir Fletcher Norton ; but, I believe, that he will find, that the example, contrary to his wish, has been followed. This is, however, of little importance, as long as the jury are told, that, though the charge (the truth of which they are sworn to decide upon) alleges the words called a libel to be false, they are, nevertheless, in certain cases, to find the charge true, even if the words called a libel are not proved to be false, and even if the defendant is refused permission to prove them to be true. As long as this is the



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case, it matters little, indeed it matters not at all, whether the indictment charges the supposed libeller with falsehood or not. This I knew very well; but, I referred to the language of indictments to shew, that, formerly, *falsehood* was essential, as the ground work of a charge of libel; and that, of course, the charge fell to the ground, *if the defendant proved the truth* of what he had said or published. Had not this been the law, and the actual practice, at the time when indictments for libel, in the present form, were first preferred, the word *false* would not have been inserted in them. If the law had been content with *scandalous* and *malicious*, it would have said nothing about falsehood. But, the fact is, I believe, that, until of late years (within fifty), no one ever dreamt of maintaining a charge of libel, but upon the ground of falsehood. To promulgate truth never was, formerly, held, *by the law*, to be a crime. Tyrants frequently punished men for speaking or writing the truth, and they had the ready aid of their courts and juries. But, then, these were, at the time, regarded as acts of tyranny; as such, they excited hatred, and in the end, brought, in one way or another, their proper punishment. Since the time of Lord Mansfield, inclusive, to promulgate truth is *coolly* and *gravely* laid down to be criminal. It is become a settled maxim, that *falsehood* is *not* an essential quality in the crime of libel; that every word of a publication may be true; that all its sentiments may be in strict unison with morality and religion; and yet, that it may be a libel, punishable by fine, imprisonment, pillory, and, if Lord Grenville's act be not repealed, by *transportation*, for the second offence. Where, then, is the *standard*? Who is to know how far to go; for how can he tell what a jury will think scandalous and malicious, and what they will think not to possess those qualities? In *what way* is that freedom (of which the Courier talks so glibly as owing its birth to the press) to be assisted by the press? Let us try it a little: suppose there to be a king upon the throne, who is bent upon establishing despotic sway, and that, aided by ministers who are of the same disposition with himself, he sets about the work without any disguise. A writer calls upon his countrymen to be upon their guard, and gives a true description of the several despotic acts which the supposed king and his abettors have been guilty of. The writer is indicted for the offence; he is not allowed to prove his innocence by proving the *truth* of what he has written; and, if the matters published be thought by the jury to be scandalous and malicious, slap goes the writer to jail, where he has plenty of

time to ruminate on the blessings of that freedom, which comes from the use of the press.—To drag in libels amongst *breaches of the peace* is an ingenious device of lawyers. “They *tend* to a breach of the peace, and are, *therefore*, criminal,” whether they contain truth or falsehood. But, how could Mr. Peltier's libel upon Buonaparté possibly produce a breach of the peace in England? Yet was Mr. Peltier convicted by a jury in the court of King's-Bench.—Well, but how will this square with the notions of the Courier, in the case above supposed? The writer, whom we have supposed to exist at a moment when an absolute despotism is about to be begun, publishes his sentiments respecting the minister who is at the bottom of the scheme. This must necessarily highly provoke such minister, and, according to the maxims now received, must as necessarily *tend* to a breach of the peace. Consequently, the writer goes to jail, and there end the powers of the press in protecting freedom.—This doctrine of libels is, to be sure, the most whimsical thing that ever was heard of in the whole world. The reason for punishing libels criminally, is, that they *tend to a breach of the peace*; so, the prosecutor comes and puts you in jail, lest he himself should be provoked to break the peace by beating you, or shooting at you! If your libel be upon the ministers, supposing you to speak the truth; that is to say, if you find just fault with the servants of the public, you are liable, according to this doctrine, to be put in jail, or to have your ears cropped off, for having, by truly stating their faults to those whom you help to pay, provoked them to commit a breach of the peace upon your body! Good lord! is this the sort of liberty of the press, which JUNIUS, whom every body but me reads, calls the “Palladium of free-men”? Is this the thing, which the Courier relies upon for the maintenance of freedom? Is it this, to “prevent any encroachment” upon which he so earnestly calls upon us?—The plain truth is, that, except in matters of little public importance, we *dare not* plainly state in print, any truth that is unpalatable. There is ONE SUBJECT, which, at this moment, engages the attention of every man, who is conversant in public affairs, or, in the slightest degree, accustomed to turn his thoughts that way. Amongst all men of all parties there is but *one opinion* upon this subject. The nation has an unanimous wish; and feels the greatest alarm, lest that wish should be set at nought. Almost every public print in the country has, after the Eastern manner, hinted its feelings and supplications, by way



of supposition, or by way of fable; but, there is no one that has dared to *say* what it thinks, though its thoughts are those of fourteen millions of people; and, what is more, there will not be one of these prints that will dare to ascribe the calamities and disgrace, which will inevitably follow the contempt of this national prayer, to the right cause; but, every one will again have recourse to hints and allusions and fables, or, not being bold enough for that, will hold its peace.—Reader, is not this the real state of the press?—I hold to my opinion, that nothing ought to be deemed libellous which is not *false* as well as *malicious*. If a man be a coward or a fool, he ought to be known for such. If he be an adulterer or a rogue, why should he not be called an adulterer, or a rogue? Why should not men be known for what they are? If the person described be an obscure individual, why, the exposure of him will reach but a small distance; and, if he be in a public capacity, the exposure *ought* to reach far and wide. Only make the publisher *prove the truth* of all his censorious words, and, I'll warrant that he takes care what he states. But, while truth as well as falsehood may be punished as a libel, writers will naturally endeavour, by insinuations, to obtain vengeance for the restrictions, under which they labour, and which are a continual thorn in their side. "I refrained from speaking even good words, though it was pain and grief to me." We all wish to speak our minds. It is the great mark of distinction between slaves and freemen, that the latter dare utter their sentiments, when the former dare not.

SPANISH REVOLUTION.—We have, I perceive, got on our side ALI MAHOMET, who, "to show that he knows all," calls the French dogs, encourages the Spaniards to cut their throats, and to make them squeak like pigs under the hands of the butcher. What rare company we are got into at last! Well may it be said, that misery brings a man acquainted with strange bed-fellows. We are fighting for liberty aided by the pious prayers of Ali Mahomet. I have often said, that Sir Baalam, in order to keep off Buonaparté, would, if hard pushed, make a league with the devil; and, really, there seems to be but one more step to take. The Courier calls ALI's a "very spirited proclamation!" What a shame, to confer words of approbation upon any thing so bloody and impious!—I am greatly afraid, that this unreflecting rage against Napoleon is deceiving us all this while.—The news from Spain continues to be good. There is a fair prospect of a good long contest, such as the *vermin* cannot survive. I

shall have no hope from a short contest. In that case, the Bourbons would merely triumph over the Buonapartés, which would be of no service whatever to us, or to any part of the world. Joseph Buonaparte and the Grandees have, it seems, gotten to Madrid without the least interruption, and, I must say, that I look upon that as an unfavourable symptom; for, in the first place, he would not have gone without a considerable army, if the country had been in a state of general insurrection; and, in the next place, it was of vast importance to the patriots to intercept his march. If you look at the map, you will perceive, that, with a mere military escort, he has gone from the frontiers to the centre of Spain. This could not have been, if the accounts we sometime ago received had been true. If there had been, as was stated, 100,000 men in arms in Arragon, is it probable, that the new king, under an escort, would have quietly passed along the skirts of that province? No; and his reception upon the road as well as at Madrid, clearly shows, I think, that, besides the rascally nobility, he has a very powerful party in the kingdom, and which party, *if the contest be between him and the old rotten despotism*, will, in my opinion, daily increase.

Botley, August 5, 1808.

LETTER FROM SIR RICHARD PHILLIPS,  
RELATIVE TO THE CAUSE, CARR *versus*  
HOOD.

Sir;—The licentiousness of *the tongue* at the Bar, is so justly appreciated by the sensible part of the public, that it ought not to excite any other emotion than contempt in him who at any time is the object of it. If in consequence of a signal instance of that licentiousness during a late Trial, I am induced to take up my pen, I am actuated solely by a respect for your numerous intelligent readers, to whom you have favoured me with the honour of an introduction.

You must be too well acquainted with the artifices practised by anonymous writers, to be surprized at learning, that the report of the late Trial between Carr and Hood, copied from a Newspaper into your last Register, was written by the very person whose pamphlet had been the object of that Trial! Hence you may readily account for the inconsistencies of which the Plaintiff and his Witnesses are by this reporter made guilty!

The words of every idle question of the Attorney General, are in this report gravely ascribed to me as the words of my Answers, and I am thus absurdly made to condemn all anonymous publication; \* vaunt my own

\* The absurdity of this statement is ap-



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virtues; praise the purity of my own Books; and say other childish things which I neither said nor thought, and which in justice I beg leave to refer back to their *real* author! Indeed, the learning of the Bar on this occasion, shone RESPLENDENTLY, and we had perpetual references made to high sounding works which never existed, such as *Milton's* answer to Sir Robert Filmer, Aristotle's answer to the works of Socrates, and Sir Isaac Newton's *Controversy* with Descartes!

Besides making the preceding general explanation, I have to remark on one point of your own observations. You have obviously confounded two very different works, when you characterize as FALSE and SCANDALOUS a Publication of mine (many years out of print) entitled "*Anecdotes of the Founders of the French Republic.*" This book was published in 1797, and consisted of a grave, chronological account of the persons concerned in the then recent events in France. Its alledged faults, were that of praising many persons, who, it since appears, were unworthy of praise, and of omitting to abuse others who were then obnoxious in this country. You, with others, have obviously confounded this work with one of very different character on the same subject, published within these two or three years by other booksellers, written by Stewarton, a French emigrant, and called the *Revolutionary Plutarch*. This work was unquestionably a disgrace to the press and character of the country, and it deserves the epithets with which you have inadvertently branded mine.

I am not disposed to enter the lists with you as a controversialist, but with respect to THE LIBERTY OF THE PRESS, I am persuaded we shall not ultimately disagree. I am a friend to criticism, and to the unrestrained publication of it, *but I do not annex the same degree of authority to the writings of every man who sets up for a Critic.* He who avows his criticisms, and who is consequently known to be, in other respects, a man of integrity and learning, obtains with me a very different degree of credit from an anonymous trader in criticism who writes in a Periodical Review, at a given price by the sheet! Still, I do not object to the free publication even of such criticisms, manu-

parent; every bookseller is constantly in the practice of publishing unexceptionable anonymous works; but there is a wide difference between *anonymous* invective, or abuse directed against an author or his writings which CALLS FOR RESPONSIBILITY, and an *anonymous* statement of scientific or historical facts, or an *anonymous* discussion of abstract principles.

factured as they generally are under the direction of some interested Publisher; but I must be allowed not to surrender my judgment of literary productions to critics, who come before me in so questionable a shape. He would truly be "the greatest fool that ever trod the earth," who should submit his opinions to such influence. \* Availing themselves of their concealment, it is well known to those who have been behind the scenes during the *getting up* of an anonymous review, that books are commonly reviewed by authors themselves—by rival authors in the same branch of literature—by the personal enemy of an author—or by the most corrupt and ignorant scribblers. †

Attaching therefore no credit to such writings, is it to be wondered, that I do not waste my time in reading reviews?

And convinced as I am, that the abuse of the critical art, arising out of the *concealment* of the critics, has discouraged and blighted the genius of the country, baffled the cause of truth and obstructed the progress of science, is it to be wondered that when questioned on this subject, I entered

\* These words and the alternative, that I had "slipped in my testimony," were *extravagantly* applied to me by the Attorney-General, for declaring that I did not read, and did not respect the opinions of an anonymous reviewer, and consequently was not influenced in my negotiations with an author, by the character of his works given in the reviews. I have no doubt that publishers in general entertain an equal contempt of anonymous opinions of books, and I conceive there exists little difference of opinion on the subject, among the intelligent part of the public.—Every man of letters, and every person acquainted with the details of literature, will thank me for thus exposing a *craft*, the practices of which are as disgraceful and as pernicious as those of advertising money lenders. The *craft* may furiously assail me in return, but the cause I advocate, is THE CAUSE OF TRUTH, SCIENCE, AND LITERATURE!

† This is not a personal question, and therefore it is of no consequence to its merits that I was myself concerned for about fourteen months, as a proprietor of the Oxford Review. Nothing however is conceded by the admission, because the Oxford Review was EXPRESSLY and AVOWEDLY in terms set up as AN EXPERIMENT, to try whether a review on totally opposite principles to those then in existence would succeed; and it failed, owing to its want of that severity of personal attack which it appears is a principal recommendation of anonymous criticism.



my protest against so mischievous an usurpation, in matters of taste and literature?

In justice to the respectable character and honourable views of SIR JOHN CARR, I feel it incumbent on me to explain, that he did not found his late action on the pretended criticisms in the pamphlet of which he complained, but SOLELY and EXCLUSIVELY on the *caricatures* which had been introduced into it, and which it must be universally allowed are NOVEL and NOT VERY LEGITIMATE AUXILIARIES of GENUINE CRITICISM.

I am, Sir, yours, &c.

R. PHILLIPS.

Bridge Street, Aug. 4, 1808.

#### LIBEL LAWS.

SIR.—In reading your remarks upon the late trial of the action of sir John Carr against Hood and Sharpe, booksellers in the Poultry, for publishing a book under the title of "My Pocket-book," which is charged to be a libel upon the plaintiff sir John Carr, by which his pecuniary interest, as a writer and seller of books to booksellers, is injured, and he is therefore intitled to a compensation from the defendants for the damage he has thereby sustained, you appear to me not to have been apprized of the distinction made in our courts of justice between those civil actions for libels in which the plaintiff seeks for a compensation for the injury or damage he has received from the libel, and the criminal proceedings in the court of King's Bench, or some other court of criminal judicature, carried on in the king's name either by an indictment of a grand jury, or by an information in the court of King's-Bench by the attorney-general, or by the master of the crown-office, (who is also called the clerk of the crown in the King's-Bench,) after a permission given him by the judges of the court to file, or enter, such information against the supposed libeller. In the proceeding by civil action the defendant is allowed to bring proof of the facts stated against the plaintiff in the libel; and, if he proves to the satisfaction of the jury that those facts are true, the jury ought to give their verdict for the defendant: and it is only in the criminal mode of proceeding that the defendant is not allowed to bring proof of the facts contained in the supposed libel, and that lord Mansfield declared, or is reported to have declared, "that the greater the truth of the libel, the greater is the libel." And the ground of this opinion of his lordship was not "that the mental uneasiness felt by an innocent man upon reading a false charge made against him in a libel was greater than the uneasiness

felt by a guilty man upon reading a true charge made against him in a libel, or, rather, in a printed paper," but "that it was more likely to produce a breach of the peace;" the tendency to which mischievous consequence, is the whole and only foundation of the jurisdiction of the court of King's-Bench to take cognizance of any published writing, whether true or false; it being the constant and indispensable conclusion of every indictment and information in the court of King's-Bench and in all other criminal courts, that the action charged to be done by the accused party is *against the peace of our sovereign lord the king, his crown and dignity*. And lord Mansfield thought that an innocent man was more likely to revenge, by a duel or some other act of violence, a false charge made against him in a published paper than a man who was conscious that the charge was true, and would therefore become only more known to the public, and consequently more detrimental to his interest and reputation, by any attempts he should make to resent the publication of it. However, I believe you are warranted in asserting that even in indictments and informations for libels it was formerly the practice to alledge that the libels were *false*, as well as scandalous and malicious: and I have been informed that the first attorney-general who ventured to leave out the word *false* in an information for a libel was the late sir Fletcher Norton, about the year 1764. But, whether his successors in that office have followed his example and omitted the word *false* in the informations for libels which they have thought fit to bring, or not, I do not know: but it may, perhaps, be worth while to inquire. I must own that I wish they may not have followed his example, but may have again inserted the word *false* in their informations, and even that it may be declared, either by a solemn decision of the court of King's-bench, or by an act of parliament, to be necessary so to do, to make the information, or indictment valid. For I agree with you in thinking "that *falsehood* formerly was, and still ought to be, *essential as the groundwork of the charge*."—I will further observe that, when the word *false* was inserted in these informations, it was the usual practice of judges to refuse to permit the defendants to bring evidence to prove the truth of the facts alledged in the supposed libels, because they said the published paper might be a libel, or punishable publication, even if the facts contained in it should be true. But this reasoning of the judges does not ap-



appear to me to be just and satisfactory. For, surely, though it should be admitted to be criminal to publish true facts against a man in some cases, yet it would be less criminal than to publish them if they were false; and therefore, in order to ascertain the degree of the publisher's guilt and to enable the court to impose an adequate punishment, by fine and imprisonment, on him for his offence, it would be reasonable to permit the defendant to produce his proofs of the truth of the facts stated in the published paper, and, if he cannot fully prove them, to state and prove the grounds that he had for believing that they were true. The settling of these matters upon a clear and just foundation is essential to the preservation of that important branch of public liberty, *the liberty of the press*. I remain your most obedient servant, J. T.—  
31st July, 1808.

#### OFFICIAL PAPERS.

**SPANISH REVOLUTION.**—*Appointments of his Catholic Majesty Joseph Napoleon, at Bayonne, 4th July, 1808, continued from page 192.*

Colonels of guards.—Their excellencies duke de Infantado, colonel of the Spanish guards; prince Caste Franco, colonel of the Walloon guards; marquis d'Ariza, great chamberlain; duke de Híjar, grand master of the ceremonies; count Ferdinand Nunes, grand huntsman; count Sant Coloma, chamberlain. (All grandees of Spain.)

The following chamberlains have been appointed to attend his majesty in his journey:—Their excellencies count Orgaz, grandee of Spain; marquis Santa Cruz, grandee of Spain; duke d'Ossuna, grandee of Spain; count Castel Florida, and duke de Sola-Mayor, grandee of Spain.

*Journal of Government, 8th July, 1808.*

Government has received by the vessel which arrived this morning dispatches from Don Sangos, and from the English government, bearing date the 30th of last month, the pleasing intelligence that the said gentleman and Don Freyre experienced the most distinguished reception on the part of the government, and were received with enthusiasm by the nation; further that on the very outset of their negociation they were offered succour of every description, which will be received within a few days, and that the English government solicits permission to establish a regular intercourse of packets in order to promote a prompt communication with Corunna. The royal government has ordered these happy tidings to be communicated to the public for the satisfaction of the

people, and that they may lift up their eyes to heaven, and offer up thanksgiving to the Omnipotent, who vouchsafes to bestow on them such important blessings.

#### *Proceedings at Bayonne.*

On the 7th of July the junta at Bayonne held their 12th meeting. It was the day appointed for the acceptance of the new constitution. In the chamber where they sat were erected a magnificent throne and a richly decorated altar, the service of which was performed by the Archbishop of Burgos. His majesty, being seated on the throne, delivered the following speech:

Gentlemen Deputies—I was desirous of presenting myself in the midst of you previous to your separation from each other. Assembled in consequence of one of the extraordinary events to which all nations in their turn, and at particular conjunctures, are subject, and in pursuance of the dispositions of the emperor Napoleon, our illustrious brother.—The result of these sentiments will be consolidated in the constitutional act, which will be forthwith read to you. It will preserve Spain from many tedious broils which were easily to be foreseen from the disquietude wherewith the nation has been so long agitated.—The turbulence which still prevails in some of the provinces will cease, as soon as the Spaniards shall have been apprized that their religion, the integrity and independence of their country, and their dearest rights are secured; as soon as they shall discover the germs of their prosperity in the new institutions—a blessing which the neighbouring nations have not obtained, but at the expence of bloodshed and calamities of various kinds.—Were the Spaniards assembled here in one body, all of them, as having the same interests, would be animated with the same sentiments. Then should we not have to bewail the misfortunes of those who, misled by foreign intrigues, must be subdued by the force of arms.—The enemies of the continent, by the disturbances which they have excited in our country, expect to become masters of our colonies. Every honest Spaniard must open his eyes, and all must crowd round the throne.—We carry along with us the act which ascertains the rights and reciprocal duties of the king and his people. If you are disposed to make the same sacrifices with us, then shall Spain be speedily tranquil and happy at home, and just and powerful abroad. To this we solemnly pledge ourselves in the presence of God, who reads the hearts of men, and rules them according to his good pleasure, and who never forsakes those who love their



country, and fear nothing but their own consciences.

The act of constitution was then read over in a loud voice; and the members of the junta, on the question being put, unanimously declared their acceptance of it.—The president delivered a short address in answer to the king's speech, after which the several members took the following oath:—"I swear obedience and fidelity to the king, the constitution, and the laws."—The junta then attended his majesty's levee to pay him their respects upon this occasion. His majesty gave them the most gracious reception, and conversed with them more than an hour.—His majesty set out for Bayonne at six in the morning of the 9th, on his journey to Madrid. His majesty the emperor accompanied him for the first post. On the separation of the two sovereigns, the king took into his carriage M. d'Azanza, minister of the Indies, and the duke del Parque, captain of the life guards. His majesty entered Spain by Irun, and was expected to reach St. Sebastian's at two o'clock on the same day (the 9th) where he was to remain until the following day. His majesty has near a hundred carriages in his suite.—The members of the junta set off in three divisions; the first on the 8th, the second on the 9th, and the third on the 10th; each of which will alternately accompany his majesty on his journey.—The following is the act of guarantee of the new constitution of Naples:

Napoleon, by the grace of God, emperor of the French, &c. Our dearly beloved brother prince Joseph Napoleon, king of Naples and Sicily, having submitted to our approbation the constitutional statute, which is to serve for the groundwork of political legislation for the kingdom of the two Sicilies, we have approved, and do approve of the said statute, and guarantee its execution on the part of the sovereign and the people of these kingdom.—Given at our imperial and royal palace at Bayonne, June 20, 1808. NAPOLEON.

The following proclamation has been published here:

The illustrious emperor of the French and king of Italy, our dearest and most well-beloved brother, has transferred all his right to the crown of Spain, conveyed to him by the conventions entered into with king Charles II. and the princes of his house, between the 5th and 10th of May. Doubtless, Providence has given its sanction to our intentions, as it has opened to us so wide a career; it will also furnish us the necessary strength to establish the happiness

of a noble people, whom it has committed to our care. It alone can read our soul, and we shall then be fortunate when we, in answer to so many hopes, shall be able to give a proof of having accomplished the glorious task which has been imposed upon us. The maintenance of the holy religion of our forefathers, in the happy state in which we find it, and of the integrity and independence of the monarchy, shall be our first duties. Assisted by the good spirit of the clergy, the nobles, and the people, we hope again to restore the time when the whole world was full of the glory of the Spanish name; and we also hope to establish tranquillity in the circle of every family, and to confirm the happiness of the people by a well regulated organization. The establishment of public prosperity, with as little injury as possible to private interests, shall be the spirit of our administration. May our people be made happy! Then shall we glory in their prosperity. What offering can be more pleasing to us? We shall reign, not for ourselves, but for the Spaniards.—I, THE KING.—*Bayonne, June 10, 1808.*

*Proclamation at Vittoria, 12th July, 1808.*

Don Joseph Napoleon, by the grace of God, and the constitution of the state, king of Spain and the Indies.

Spaniards!—On entering the territory of a people, the government of whom Providence has confided to me, I feel it my duty to explain the sentiments which I entertain.—In ascending the throne, I rely upon finding among you some generous souls who will second my efforts to restore this people to the possession of their ancient splendour. The constitution, to the observance of which you are about to pledge yourselves by your oaths, secures the exercise of our holy religion, and of civil and political freedom. It establishes a national representation, and restores your ancient cortes in an ameliorated form. It appoints a senate, forming the guarantee of individual liberty, and the support of the throne in critical circumstances, and constituting also an honourable asylum and reward to those who shall have performed signal services to the state.—The courts of justice, the interpreters of the laws, divested of passion and favour, shall, in pronouncing judgment, be impartial, free, and independent.—Merit and virtue shall be the only claims to the holding of public offices.—Unless I am disappointed in my wishes, your agriculture and commerce shall flourish, free from those restraints which have hitherto retarded their prosperity.—Desirous of ruling according to the laws, I will be the



first to give an example of the honour which should be paid to them—I enter among you with the greatest confidence, surrounded with those meritorious individuals, who have concealed from me nothing which they have thought necessary for your interests.—Blind passions, false rumours, the intrigues of the common enemy of the continent, anxious only to separate the Indies from Spain, have plunged some of you into the most dreadful state of anarchy. My heart bleeds at the view of it; but this evil, however considerable it may be, may instantaneously cease.—Spaniards, only unite around my throne. Conduct yourselves so as that internal disturbances shall not deprive me of that time which I wish to employ in labouring for your happiness, nor deprive me of the means of accomplishing that object. I esteem you enough to persuade myself that you will make every exertion to obtain and merit that happiness, which is the dearest object of my wishes.—I, THE KING.

(To be continued.)

POPEDOM.—*Papers relative to the Seizure of the Papal Dominions by Buonaparte.*

No. I. *Palace of the Quirinal, March 2.*

The French commander has proceeded to such an excess of violence and outrage within these few last days, that the patience and resignation of his holiness, without being in the least altered, have yet been found to exhibit some signs of just indignation. The above commander, on a sudden seized the general post-office, with a picquet of soldiers, and displaced the superintendant, to examine all correspondence, in defiance of the public law. He incorporated by violence the troops of the Pope into the French army; he banished from Rome colonel Bracci, for being faithful to his prince; and lastly he put guards upon all the printing offices, that he might deprive the head of the church of the liberty of using the press.—Each of these attempts would be sufficient to shew what was meant by the note of February 23, which announced that the French army would direct its march to Rome, under the pretext of freeing that city from those whom it chooses to call Neapolitan brigands. Each of these attempts shews what excesses of outrage and irreverence have marked the insults offered to the dignity of the visible head of the church. But the French army has not confined itself within these bounds. In order to crown its atrocities, the French soldiers have dared to lay hands on our cardinals, have dragged them from the arms of the holy father, and conducted them to Rome as state criminals.—Violence and abuse of power

could not certainly be carried farther. His holiness, who has lately seen himself deprived of the attributes of sovereignty, who has seen his power and his dignity insulted under a thousand forms, by an army which he was still willing to consider as friendly, could not however have believed that it would have proceeded to this extremity, which has, above every thing else, struck the deepest to his heart.—The holy father, who, like a lamb, has suffered in silence and with resignation this excess of insult, was roused only by this latter instance. He commanded the undersigned to write once more, and to transmit to your illustrious highness, in the strongest and most energetic language, his complaints; to lay before you all the horror of these hostile proceedings; and to represent to you how much he felt himself degraded in the face of Europe, by the violent and unheard of measures which the French army has completed in attacking the dignity of the cardinals, which is an emanation from his own. The holy father placing all his confidence in God alone, will wait in conformity with the principles of his sacred duty, to see how far the French army is inclined to abuse his meekness and his patience, and if at length it will put an end to the unmerited insults and outrages which it has committed against the sovereign of Rome, and the head of the catholic church.—Such is the positive order which the pro-secretary of state has received from his holiness, and which he feels it his sacred duty to fulfil without the least deviation.—He renews to your illustrious highness the assurance of his sincere consideration. G. CARD. DORIA PAMFILI.—*To Signor Lefebvre, French Chargé d'Affaires.*

No. II, dated March 13, 1808, is a sharp and spirited remonstrance against the imprisonment and threatened removal of some officers of his holiness's army, who protested against its incorporation with that of France, and declared that they would not continue to serve under such an arrangement.

No. III, dated March 23, 1808, is a copy of a letter written by order of his holiness, to all the cardinals who were ordered to retire from Rome. He commands them by their allegiance not to remove from the capital, except they were compelled thereto, and not to continue their journey longer than such compulsion existed. Among these cardinals we find the name of his holiness's minister cardinal Pamfili, who was succeeded by cardinal Gabrielli.

No. IV.—*March 27, 1808.* Cardinal Gabrielli, pro-secretary of state to his holiness, has received positive orders from the holy father in person to inform your illustrious high-



ness, that the violence committed against the persons of the cardinals, natives of the kingdom of Naples, never would have been believed, if it had not been repeated against the persons of the cardinals born in the kingdom of Italy, and the countries united to France.—The holy father cannot at present be ignorant, that it is not only intended to deprive him of his temporal authority, but that there is also a design to destroy the spiritual government of the church of Rome, represented by the sacred college, which is the senate of the sovereign pontiff.—He has seen with horror and surprise those principles and maxims which break the most sacred bands by which the cardinals are united to the Pope by all the force of a solemn oath, preceded and followed as they have been, by all the indignities to which the head of the church has only been exposed. Examples of such enormities are only to be found in the time of the republic, when Rome saw the most sacred principles trodden under foot.—If a secular prince, professing the catholic religion, and believing that he has a right to detain in his territories, as his subjects, cardinals of the church of Rome, finds himself still under the necessity of treating them with that respect due to the eminent character by which they are connected with the holy pontiff, it follows that he has no right to banish them, or to remove them by open force, thus tearing from the chief of the universal church so many of his fellow-labourers.—This attempt, which will be a theme of reproach in the present and future age, has particularly wounded the feeling mind of his holiness, as well on account of the unheard-of insult which has been offered to the cardinal dignity, as the outrage to his holy person by which it was accompanied; his vicar and prime minister having no more been respected than the bishops who were torn from their respective dioceses.—The holy father, aware of all the evils which these cruel and violent measures must necessarily cause to the spiritual government of the church, has commanded the undersigned to protest strongly against them, and to require at the same time that the cardinals forcibly carried off against every principle of the rights of nations, be liberated. As to the rest, always resigned to the judgments of God, and confirmed by the innate testimony of a pure conscience, he will patiently support in the cause of justice the hard treatment which he has not merited, and faithful to his sacred duty, after having exhausted all his efforts to allay the tempest which shakes the holy seat, he will leave to heaven the care of protecting and defending it, and to posterity

the right of pronouncing on the justice of his cause.—Such are the sentiments which his holiness has peremptorily commanded the undersigned to express to your illustrious highness, and in performing this duty, he renews, &c. P. CARDINAL GABRIELLI. *To M. Lefebvre, French Chargé d'Affaires.*

No. V. is a note written by cardinal Gabrielli to the Pope's treasurer, containing his holiness's order to pay cardinals Saluzzo and Pignatelli, transported to the north of Italy, and whose property at Naples was confiscated, the sum of 1000 crowns each; provided the treasurer could produce so much, of which his holiness is much in doubt.

No. VI.—April 7, 1808.—This morning at six o'clock, a French detachment appeared at the gate of his holiness's palace, and the porter on duty having intimated to the officer who commanded it, that he could not permit armed persons to enter, but that if he was desirous of coming in by himself, he would not prevent him, the latter appeared satisfied. He ordered the troops to halt, and to fall back some paces. The porter then opened the wicket, and allowed the officer to enter. But he was hardly on the threshold, when he made a signal to the soldiers, who immediately rushed forward, and presented their bayonets to the porter's breast. After having gained admission by such deceit and violence, the soldiers pushed forward to the guard room of the militia of Campidoglio, in the interior of the palace, immediately broke open the doors, and seized the muskets, with which this militia were accustomed to mount guard in one of the antichambers of his holiness.—With equal violence the French troops rushed to the quarters of his holiness's noble guard, and seized the carbines which they made use of when they mounted guard in the apartment next to that of his holiness. A French officer then addressed the captain of the Swiss guards, and told him, as well as the few soldiers there assembled, that from that day, the Swiss guards were to receive their orders from the French general to which they would not consent. The same order was communicated to the commander of the stationary guard, on duty at the barriers, who also refused to acknowledge it, and was in consequence immediately sent to the castle.—In the meantime different French detachments scoured the town, and arrested and carried to the castle all the noble guards, even including their commander.—The holy father, apprised of these horrid outrages overwhelmed by the grief which they have produced, has expressly ordered the under-



signed to protest strongly against them, and to declare frankly to your illustrious lordship, that each day adds to the measure of the insults which are pouring on his sacred person, and that he is every day more and more deprived of his rights as a sovereign.—It was not sufficient for the French army to signalize its entrance into Rome by planting cannon against the palace of his holiness, and offering such unworthy violation to his residence, but it has added to this violence, by forcing the Swiss guard, and entering with arms into the peaceable abode of the sovereign pontiff, rudely bursting open the doors, and seizing the arms rather intended for the honour than the defence of his sacred person, arresting his guards, and, in short, depriving him, by these violent measures, not only of his guards, but even his honour.—His holiness requires, in the first place, that all individuals of his guard who have been imprisoned without any reason, and contrary to every principle of right, be liberated; and he afterwards declares solemnly, that to all these outrages he only opposes and will oppose patience, and, during the time such treatment may continue, that meekness of which his heavenly Master has left him an example. His long imprisonment, and the injustice which he has experienced, have made him a spectacle to the world, to angels, and to men.—He awaits with resignation, but with an unshaken firmness in his principles, all that violence can attempt against the head of the catholic church; well assured, that any humiliation he may receive will turn to the glory of religion itself.—Such, precisely, are the sentiments which his holiness commands me to express to your illustrious lordship. He renews to your highness the assurances, &c.—P. CARDINAL GABRIELLI.—*To M. Lefebvre, French Chargé d'Affaires.*

No. VII.—*April 11, 1808.*—When his holiness perceived, with no less surprise than grief, that his troops were forcibly incorporated with the French army, and that punishment was inflicted on such of them as remained faithful to their lawful sovereign, he thought it proper that his guards and the few militia of Campidoglio and of the barriers, who were not yet incorporated and placed under the command of the French general, should wear a new cockade.—The object which his holiness had in thus changing the cockade, was to signify publicly how much he disapproved the violent incorporation which took place, and to manifest his firm determination to remain neutral, and to be in no ways responsible for the actions of the incorporated soldiers,

whom he no longer considers as belonging to him. This reason was, by order of the holy father, officially notified to your illustrious lordship; and to all the diplomatic body, by whom, according to the established usages, a pattern of the new cockade, was sent.—After a preliminary declaration of this frank nature, his holiness never could have conceived that the purity of his intentions would be calumniated by the circulation of a report that the new cockade was the signal of an union against the French army, as inserted in the order of the day, which was yesterday published and posted in every quarter of Rome, as well as in the provinces.—The holy father is willing to believe that this order was the consequence of the false representations made to his majesty the emperor and king.—In fact, if the real object which his holiness had in changing the cockade had been communicated to his majesty, had he also been acquainted that the French military commander had ordered it to be worn by all the incorporated troops, he surely would not have designated it as a signal of union against the French troops, since it was worn by those very troops who composed part of the French army.—Although the holy father is well persuaded that the people of Rome and the whole world will render justice to his pure and loyal conduct, and that he is also equally certain that no one will adopt the suspicions, by which the minister of a God of peace, possessing no malice, is pointed out as conceiving projects of revolution and blood; nevertheless the horrible colours in which an act of his majesty, the most innocent possible, is endeavoured to be represented, have afflicted him with such poignant grief, that he has ordered the prosecretary of state, Cardinal Gabrielli, to complain to your illustrious lordship, and to request you, in the name of all that is true, to acquaint his majesty with the real point of view in which this change of the cockade should be considered.—The holy father, always consistent, declares solemnly, that the orders of the day, published and posted up, are highly injurious to his character, his dignity, and his rights as a sovereign; that conformable with the right which every prince has, of making their troops wear whatever distinguishing marks they think proper, he ordered the new cockade, for the purpose of shewing the world that he no longer recognised as his the troops who were incorporated with and placed under the command of the French; and that without having committed any crime, and only for having discharged their duty in



obeying their sovereign, the persons who composed his noble guards, and some other officers, have been imprisoned.—To relieve the innocent, the holy father requires and claims their liberation, which he has hitherto demanded to no purpose, and which at present he claims again.—The undersigned having faithfully performed the orders of his holiness, has the opportunity of renewing to your illustrious lordship the assurance, &c.  
—CARDINAL GABRIELLI.—*To M. Lefebvre, French Chargé d'Affaires.*

No. VIII.—*Copy of a Note from his Excellency M. de Champagne, to his Excellency Cardinal Caprara.*

The undersigned minister for foreign affairs of his majesty the emperor of the French, king of Italy, has laid before his majesty the note of Cardinal Caprara, to which he is commanded to return the following answer:—The emperor cannot recognize the principle, that the prelates are not the subjects of the sovereign, under whose authority they are born.—As to the second question, the proposal of his majesty is, and from which he will never depart, that all Italy, Rome, Naples, and Milan, shall enter into an offensive and defensive treaty, for the purpose of removing from the peninsula commotions and hostilities.—If the holy father accede to this proposal, every thing is settled. If he refuse it, he announces by such a determination that he wishes for no arrangement, no peace with the emperor, and that he is at war with him. The first consequence of war is conquest, and the result of conquest is change of government: for if the emperor is under the necessity of going to war with Rome, is he not also under the necessity of conquering it, of changing the government, of establishing another which shall make common cause against the common enemy with the kingdom of Naples? What other guarantee could he have for the tranquillity and security of Italy, if these two kingdoms were separated by a state, in which their enemies would be certain of meeting a cordial reception.—These alterations, become necessary if the holy father persists in his refusal, will take away from him none of his spiritual rights. He will continue bishop of Rome, as his predecessors were during the eight first ages, and under Charlemagne. It will, however, be a subject of grief to his majesty, to see the work of genius, of political wisdom, and of understanding, destroyed by imprudence, obstinacy, and blindness.—At the very moment that the undersigned received or-

ders to return this answer to Cardinal Caprara, he received the note of the 30th of March, which his eminence did him the honour of writing to him. This note has two objects in view; the first to announce the cessation of the powers of the legate of the holy chair, to notify it against the ordinary forms and usages at the eve of holy week, at a time when the court of Rome, if it were still animated by a true evangelical spirit, would feel it its duty to multiply spiritual succours, and to preach, by its example, union amongst the faithful. But be it as it may, the holy father having withdrawn his powers from his eminence, the emperor no longer acknowledges him as legate. The French church resumes the full integrity of its doctrine. Its knowledge, its piety will continue to preserve in France the Catholic religion, which the emperor will always consider it his glory to defend, and cause to be respected.—The second object of the note of his excellency Cardinal Caprara, is to demand his passports as ambassador. The undersigned has the honour to enclose them. His majesty sees with regret this formal demand of passports, which the practice of modern times regards as a real declaration of war. Rome is then at war with France, and in this state of affairs, his majesty is obliged to issue the orders which the tranquillity of Italy rendered necessary.—The resolution to produce this rupture has been chosen by the court of Rome at a time when it believes that its arms are powerful enough to shew that it may have recourse to other extremities, but their effects will be checked by the illumination of the age. Temporal and spiritual authority are no longer confounded. The royal dignity consecrated by God himself is above any attack.—The undersigned wishes that the observations which he is ordered to transmit to Cardinal Caprara may induce his holiness to accede to the proposal of his majesty. He has the honour to renew to his excellency the assurances of his highest consideration.—CHAMPAGNY.—*Paris, April 3, 1808.*

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PORTUGAL.—*Proclamation of the Magistrate representing the People of Oporto, termed the Judge of the People.*

People of Porto, noble subjects of an inimitable prince, and brave restorers of his legitimate rights:—On the 4th inst. (July), you elected me (by the votes of the representatives of the corporations) representative magistrate of the people of this noble and august city. After accusing you of a misplaced



election, and imploring heaven to assist me in the faithful discharge of my duty, I crave your attention to what I am going to say.—You, on the 18th of June, performed a deed, which, when inserted in the history of our country, will, perhaps, stimulate jealousy among the ashes of those heroes who have bled for it; you have performed a miracle, permit me the expression, for to die is but natural, and the act of bringing to resurrection is an attribute of supreme divinity; and the name of our august and amiable prince having been destroyed by the treachery of a tyrant, who substituted his own name, ordering before our eyes the commission of the most sacrilegious and most horrid of all atrocious crimes, I mean the demolition of the sacred painting, which brings to our memory the five fountains which issued on the heights of Mount Calvary, to cleanse and wash the sins of the world; I mean the five wounds of our Redeemer, offered on the plains of Ourique to our first king, as emblems of honour to be blazoned on the standards; you brought every thing to resurrection on the said day of the 18th, as on this very day the name of our sovereign appears mounted high over the name of Napoleon, picturing to our imagination a true representation of the archangel St. Michael, and on this same day, ever memorable, from all parts rise instantaneously the arms of the royal house of Braganza displaying greater brilliancy than those thousand shields which are suspended from the tower of David! But what do I say? A miracle! My thoughts have misled me, the name of our august never died among us; it always retained its life, though sacredly preserved in our bosoms, where our hearts paid and devoted to him the most humble adorations; and if, by an intrusive and treacherous exaction, we rendered any vassalage to that monster of iniquities, to that man called emperor of the French, it was the effect only of a refined hypocrisy. Have we not brought to resurrection the army of Braganza, which, although they were demolished in the edifices, always existed untouched in the image of Jesus Christ, painted with his most precious blood? Yes; what we have done with the permission of heaven, has been the natural result of the Portuguese bravery and valour solely confined by the orders given to us by our august on the eve of his departure—not entirely conscious of the perfidy of the tyrant, we know the treachery of Buonaparte, marked under the cloaks of friendship; we know him to be the chief of the numerous banditti spread

over Europe; we know finally that he was an individual, without faith, belief, or religion, and this prompted us to see the opportunity approaching, when we might teach that villain what is Portuguese valour, inherited from those who subdued great part of the universe, displaying their standards on almost the last barriers of the world; and this made us on the glorious 18th declare our independence, and, proclaim in loud voices, which reached heaven, the august name of our Don John VI. prince regent of Portugal; it was on this account that I saw ye, loved countrymen, like men converted into wild beasts, running towards the plain of St. Ovid, there to wait for the enemy resembling hungry wolves who run towards lambs. Your hunger is not satiated, your rage increases, and you protest you will feed on the blood of that portion of Frenchmen who infest august Lisbon; finally, nobody can repress you! Ah! what heroic traits of valour glow in the hearts of the Portonians, and what admirable examples of fidelity will they not leave to posterity! Continue then, my beloved countrymen; let the consummation of the glory of Porto be perfect. But hear me for a while, do not allow that glory to be tarnished or diminished by any action that your overleaping rage may dictate to you without reflection;—honour, let honour be our guide; let us not do any thing which may displease the supreme council which governs us; reflect that it is composed of men as wise as they are virtuous; and who toil by day and by night to support the brilliancy of our glory: yes, government is the first to lose its life for the country, and who as readily will make every traitor suffer; but order is necessary in every arrangement; let us, therefore, consult government, let us obey their directions. Government represents the prince, and who does not obey it offends the prince: if we act against their orders we destroy our own work; and it will be praising the prince at one time, and offending him at another. See that justice is a part of God, and who offends justice offends God, and then greater evils will befall us than those caused by the tyrant.—I shall not treat you as your judge in the plenitude of authority, but as your friend, and the protector of your welfare; I therefore request you will lay before me all your pretensions, which, if they exceed the limits of my jurisdiction, I shall offer them to the consideration of the supreme government, that it may resolve on your behalf. Let us not be despotic, for we offend heaven, and it endangers the harmony which should



subsist among us; let us make our enemy bite himself with envy, to see that at the same time that we are brave warriors, we love one another with reciprocity. Let no tumults or discordant voices be heard among us, but only the repeated, cordial, and harmonious clamours of, long live the prince our lord, and long live his faithful subjects.  
—JOAO DE ALMEIDA REBEIRO.

**MOORISH PROCLAMATION.**—*Courage to the Christian; and to shew that we know all.*

Unfortunate christian,—Ala shews his approbation to you in several ways. You were first oppressed by a tyrant, avaricious of money, who robbed my cousin Charles of his treasures, and you of your blood. He fell, and you acted very wrong not to treat him with Zarra Zarra, which is as much as to say, not to cut off his head. Why did you not do so? Because you were asleep. Since that time you have met with another tyrant, ambitious of kingdoms, and he deprived my cousin Charles of his throne, including in the privation all his race, in order to keep the possession to himself, and to come before much lapse of time to deprive me also of my throne. Arouse, christians! Ah, French dog, why did you give opium to the christians, to get possession of the principal persons, and to effect your entry without exciting apprehension? Why did you not enter sword in hand, that your objects may be seen and the christians may treat you with Zarra Zarra? Christians, you have lost time! Desert this tyrant, as you regard yourselves. Let Seville be loyal, brave, and firm in doing justice! Christians! attack these dogs, and defend the kingdom for the son of my cousin; and let that currish nation be abhorred for ever. Courage, brave christians! attack them, and let Ala the great assist you. I entreat you to defend your kingdom, for my cousin, and for the Englishmen likewise. Let all nations see this, in order that they may know who the French dog is, and that they may rise against him. Sleep no more, christians! Noble Junta of Seville, do strict and severe justice on every traitor towards the Son of my cousin, and may Ala reward you —ALI MAHOMET.—Tetuan, June 10, 1808.

**ENGLISH ORDER OF COUNCIL,** relating to the Trade with Spain.—Office of Committee of Privy Council for Trade, Whitehall, July 14, 1808.

Sir,—I am directed by the lords of the

committee of council for trade and foreign plantations, to acquaint you, that in consequence of a recommendation from their lordships, the lords commissioners of the admiralty have been pleased to give instructions to the admirals commanding on the Jamaica and Leeward Islands stations, and to sir Sidney Smith commanding at the Brazils, to use every means in their power, as well by stationing cruizers as by the appointment of convoys, for the protection of British and Spanish vessels employed in the trade carried on between the British free ports in the West Indies, and the Spanish colonies in that part of the world, against the attacks of French privateers; and I am to request you will communicate this information to the merchants concerned in the trade above mentioned.—I am, Sir, &c. STEPHEN COTTELL.

**AMERICA.**—(Circular Letter.) At a meeting of the president and directors of the bank of the United States, on the 13th May 1808, the following report was approved, viz.—The committee appointed to consider what measures ought in their opinion, to be pursued by the directors of this bank, respecting the stockholders of the United States' funded debt, who reside in Europe, and have empowered this bank to remit the dividends received on their account, respectfully submit the following resolution:—"That the cashier of this bank be, and he hereby is, directed to inform the stockholders of the United States' funded debt, who reside in Europe, and have empowered the bank to remit, for their account and risk, the dividends received thereon, that, during the present embargo, and the general deranged state of commerce, it will not be possible to purchase bills of exchange, except at an unusually high price, which must necessarily subject those stockholders to a very heavy loss: that, under circumstances so much to be regretted, it is the desire of the directors of this bank, that the said stockholders would, as soon as possible, give positive directions to the cashier, either to continue his purchase of bills, if any can be obtained, at their current price, and to remit them as usual, to their agents, or to have the amount of their dividends remain to their credit on the books of the United States, unless they should prefer their being received and deposited for their account at this bank.

Attested, "D. LENNOX, President."  
G. SIMPSON, Cashier.